

1 JAMES E. SMYTH II  
Nevada Bar No. 6506  
2 Kaempfer Crowell Renshaw Gronauer & Fiorentino  
3 8345 West Sunset Road, Suite 250  
Las Vegas, Nevada 89113  
4 Tel: (702) 792-7000  
Fax: (702) 796-7181  
5 Website: [www.kcnvlaw.com](http://www.kcnvlaw.com)  
6 Email: [jsmyth@kcnvlaw.com](mailto:jsmyth@kcnvlaw.com)

7 RICHARD W. EPSTEIN  
8 HAAS A. HATIC  
9 MYRNA L. MAYSONET  
*(Admitted Pro Hac Vice)*  
10 GREENSPOON MARDER, P.A.  
11 Trade Center South, Suite 2700  
12 100 West Cypress Creek Road  
Ft. Lauderdale, Florida 33309  
richard.epstein@gmlaw.com  
haas.hatic@gmlaw.com  
myrna.maysonet@gmlaw.com  
13  
14 **Attorneys for Defendants**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

17 THOMAS DAVIS III, RICK BRUNTON, ) **Docket # 08-CV-S-722-RCJ-PAL**  
18 LOIS TIGER and EMMANUEL Wiest )  
19 individually and on behalf of all others )  
similarly situated, )

20 Plaintiffs.

VS

23 WESTGATE PLANET HOLLYWOOD LAS  
24 VEGAS, LLC., WESTGATE RESORTS  
25 INC., WESTGATE RESORTS LTD., CFI  
SALES & MARKETING, LTD., CFI SALES &  
26 & MARKETING, LLC., CFI SALES &  
MARKETING, INC., and “John Doe” entities  
27 1 to 25, name and number unknown,

**ocket # 08-CV-S-722-RCJ-PAL**

## **JOINT MOTION TO STAY ALL PROCEEDINGS AND DEADLINES**

## Defendants

1 Defendants, Westgate Planet Hollywood Las Vegas, LLC, Westgate Resorts, Inc.,  
2 Westgate Resorts, Ltd., CFI Sales & Marketing, Ltd., CFI Sales & Marketing, LLC and CFI  
3 Sales & Marketing, Inc. (“Defendants”), and Plaintiffs (collectively “the Parties”), pursuant to  
4 Local Rule 6-1, by and through their attorneys of record, file this Joint Motion to: (1) stay all  
5 proceedings in this case, including all pretrial deadlines, for 30 days; and (2) cancel the  
6 September 30, 2011 oral arguments, because the parties are attempting to finalize a settlement  
7 agreement as to the Plaintiffs’ claims. This Joint Motion is supported by good cause, as set  
8 forth below:

9  
10 1. The parties have been engaged in settlement discussions over the last several  
11 weeks, and believe that a settlement is likely. If finalized, this settlement would resolve all of  
12 the Plaintiffs’ pending claims, and moot any pending motions while also eliminating the need  
13 for a trial.

14  
15 2. Although not yet finalized, the parties had an obligation to immediately inform  
16 the Court of their progress. The parties request that this Court stay all proceedings because any  
17 additional work by either side will result in additional fees that could prevent this case from  
18 settling.

19  
20 3. The agreement being discussed is contingent upon approval of a restructuring  
21 loan Defendants are currently seeking. This is Defendants’ last hope to survive the financial  
22 downturn affecting the company since September 2008.

23  
24 4. It is estimated that a decision regarding the corporate restructuring loan will be  
25 issued within the next 45-60 days. If these efforts are unsuccessful, Defendants will be forced  
26 to avail themselves of other legal remedies which will, in turn, directly impact this case.

1           **WHEREFORE**, the parties respectfully request that all proceedings in this case be  
2 stayed for 30 days to allow the parties additional time to finalize the settlement agreement  
3 which, as stated above, is contingent upon the approval of funding. The parties also request  
4 that this Court cancel the September 30, 2011 oral arguments.  
5

6           DATED this 30<sup>th</sup> day of August, 2011.

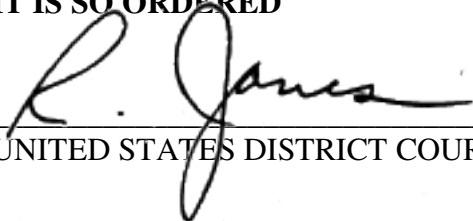
7           Respectfully submitted,

8       By:    /s/ Gregory F. Coleman  
9            GREGORY F. COLEMAN  
10          Bank of America Center  
11          550 Main Avenue, Suite 600  
12          Knoxville, TN 600  
13          Attorney for Plaintiffs  
14          *Admitted pro hac vice*  
**Attorney for Plaintiffs**

8       By:    /s/ Myrna L. Maysonet  
9            RICHARD W. EPSTEIN  
10          *(Admitted pro hac vice,*  
11          Florida Bar No.:0229091)  
12          MYRNA L. MAYSONET  
13          *(Admitted pro hac vice,*  
14          Florida Bar No.: 0429650)  
15          Greenspoon Marder, P.A.  
16          201 E. Pine Street, Suite 500  
17          Orlando, FL 32801  
**Attorneys for Defendants**

18           DATED: 09-01-2011

19           **IT IS SO ORDERED**

20             
21           UNITED STATES DISTRICT COURT/